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UNITED STATES DISTRICT COURT  
 NORTHERN DISTRICT OF CALIFORNIA  
 OAKLAND DIVISION

ROSA MARTINEZ and JIMMY  
 HOWARD, on behalf of themselves and all  
 others similarly situated,  
  
 Plaintiffs,  
  
 v.  
  
 MICHAEL J. ASTRUE, Commissioner of  
 Social Security, in his official capacity;  
  
 Defendant.

Case No. C08-4735 CW  
**E-FILING CASE**

**ADMINISTRATIVE MOTION AND  
 ORDER TO CONTINUE HEARING  
 AND BRIEFING DATES BY ONE  
 WEEK**

On January 21, 2009, this Court denied defendant's motion for a continuance of the hearing date for the three pending motions – preliminary injunction, summary judgment, class certification. On January 22, 2009, the Federal Defendant associated in additional counsel.

Plaintiff's counsel does not oppose moving all dates by one week. Allowing one additional week will enable the parties to explore whether ADR would be fruitful.

The Federal Defendant respectfully requests the Court to continue the hearing date to February 26, 2009 and to move the due dates for all other filings by one week.

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1 The Federal Defendant's briefs would be filed on February 5, 2009. The plaintiff's briefs would  
2 be filed on February 12, 2009.

3 Respectfully submitted,

4 JOSEPH P. RUSSONIELLO  
5 United States Attorney

6 Dated: January 23, 2009

7 /s/  
8 ANDREW Y.S. CHENG  
9 Assistant United States Attorney

10 The Court, having considered the Federal Defendant's motion, orders that the hearing be  
11 continued by one week to February 26, 2009, at 2:00 p.m. Defendant's brief is due on February  
12 5, 2009. Plaintiff's brief is due on February 12, 2009.

13 All other requirements from this Court's Order of January 21, 2009 will remain the same.

14 IT IS SO ORDERED.

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16 DATED: 1/23/09

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18 CLAUDIA WILKEN  
19 United States District Judge  
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